DEMOCRATIC

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U.S. SENATOR PELL TALKS SENSE

Addressing the US Senate on April 11th, Senator Claiborne Pell (Democrat, Rhode Island) made a number of suggestions for solving the Germany and West Berlin problem.

Senator Pell's suggestions included recognition of the division of Germany; "acknowledgement of the existence" of the two present governments in Germany; confirmation of the Oder-Neisse line as Germany's eastern frontier; and the banning of nuclear weapons for Germany.

These proposals are all eminently acceptable to the Government of the German Democratic Republic; some of the other suggestions made by the Senator are unlikely to prove acceptable to the GDR and to the Soviet Union.

In view of the importance of Senator Pell's suggestions in the international debate on German questions, we are reprinting from the "New York Times" of April 13th an article on the subject by Arthur Krock, noted US political commentator:

It is too much to hope that, instead of coming to the conference table on the Berlin problem tomorrow with "position papers" re-extracted from the deep-freeze, Secretary of State Rusk and Soviet Ambassador Dobrynin will put at the top of the agenda a speech on the subject made in the Senate today by Claiborne Pell of Rhode Island.

But it would be a day to celebrate if the common sense and the honourable, practical policy proposals which distinguish this speech from tired diplomacy could somehow penetrate the Rusk-Dobrynin discussions.

In the late summer of 1961, Senator Pell made his first notable exposition of the hard facts of the Berlin problem that both Washington and Moscow must acknowledge before any real progress toward the kind of agreement he outlined — the only one possible — can be made. The speech was largely submerged in the clamour over Soviet Russia's unilateral violation of the moratorium on nuclear weapons testing. But President Kennedy mentioned Pell's viewpoint and proposals favourably to one of his visitors at the time, and today's updated version did not alter these fundamentals.

The key to Pell's door of escape from one of those "frozen foreign policy positions" he described as typical of democracies is furnished by the following passages in the speech:

"The recollection that Germany has engaged in three aggressive wars in the last 100 years... is a fact very much in the European mind. It

(cont. on next page)

ODD MAN OUT IN BONN

"There is something suspicious about him. He has been a high-ranking official in the civil service for 25 years, but he has never yet been listed by the East Germans as an old nazi."

(from "Simplicissimus", Munich, West Germany)

(For details on some of the top Bonn officials who have been listed as old nazis, see inside this or almost any other issue of GERMAN REPORT)

(cont. from front page)

is one of the reasons ... for the general acceptance of the fact that Germany should not have nuclear weapons ... This is perhaps the most important single policy that we and the Soviets share ...

"Accordingly, I think we should give our present policy toward Germany a critical re-examination with a view toward acceptance of the fact that Germany is divided as long as we have not reached the millenium of a world and a time when we can achieve a unified, unarmed Germany ...

"Nor does a de facto acceptance of a divided Germany give the Communists control over a single additional person or square inch. What we must gain in any resolution of the Berlin problem is a clearly defined corridor of land access to West Berlin ... a gain of what we have never had ... backed up by ironclad guarantees for the freedom of West Berlin, together with the West's complete freedom to garrison West Berlin ...

"To achieve these ends, we can afford to acknowledge the continuing existence of the two German Governments and agree upon the Oder-Neisse frontier" (behind which are former German territories allotted to Poland at the Potsdam Conference).

There would be another gain for the United States, Pell told the Senate, because "our present policy has led us to the ironic position that we want the Russians to stay in East Germany," the consequence of a refusal to deal with the Government of the area that "makes it impossible" for the Soviets to withdraw.

And, he contended, a realistic new policy would also "legitimise" the annual $500,000,000 in trade current between West and East Germany; and clear the path for "efforts the West German Government is now making to normalise its trading relations with the various (Soviet) satellite nations."

Among the other realistic steps the Senator proposed, in the belief that Moscow ... "genuinely desires an easing of the tensions in Berlin" were these: transferring the European headquarters of the United Nations from Paris and Geneva to East Berlin; internationalising the access highway into West Berlin from Helmstedt in West Germany; and revising the allied status-of-forces whereby they would be present in West Berlin at the invitation of the city government.

The speech should, but won't be, read aloud as prologue at the Rusk-Dobrynin conversations.

("New York Times", April 13th)

Germany — A Canadian View

Our attention has just been drawn to an interesting analysis of the German problem published in the Canadian magazine "Maclean's" on January 5th 1963. Here are some belated extracts from the article, written by Maclean's overseas editor Blair Fraser after an extended visit to both German states:

Let's not fool ourselves — there is no quick easy solution to the German problem, no settlement that could easily be reached if we do sit down to negotiate. In particular, there's no settlement that would give the Western alliance quite as much as we now have in West Berlin, because what we have now is not a tolerable situation for the other side. We must settle for much less, without going back on our plighted word ...

If we continue year after year to do nothing, we do not merely leave the initiative to Khrushchov, we force it on him. Westerners who talk as if Khrushchov turns on the Berlin crisis from time to time, just to suit his whim, are not using much imagination. The status quo in Berlin, uncomfortable to us, is intolerable to him — he simply cannot ignore it indefinitely. And if by our inaction we force Khrushchov to act, we put ourselves on the defensive.

How far can we go without breaking faith? The West has repeatedly declared three fundamentals to be nonnegotiable — continued Western presence in Berlin, continued right of access, and freedom for the people of West Berlin to choose their own form of government. We cannot go back on this triple pledge, but we can find in it a lot more room to manoeuvre than the West Germans or even the Western allies seem ready to admit.

First and perhaps most important, we could put a stop to the venomous cold war propaganda that is now beamed out of West Berlin at the East German people day and night. Personally I believe this propaganda defeats itself and does the Western cause harm rather than good. When I walked into my hotel room in East Berlin not long ago my interpreter turned on the radio and the programme we got was the American Forces Network from West Berlin. We listened to the news; he made no comment except to say the American Forces programme was much milder and less slanted than the German-language news given by RIAS (Radio in American Sector). However, I was embarrassed by it — not by any particular distortions but by the vulgarly hostile language used in every reference to East Germany. This was the voice of a self-proclaimed enemy. Communist authorities need no other proof that West Berlin is what they say it is, a front-line outpost in the cold war. Surely the first step toward making peace is to *sound* as if we wanted to make it. This means adopting a policy of minimum provocation in Berlin instead of the maximum provocation that has been our policy up to now.

Secondly, we could apply the same principle of nonprovocation to the Western presence, which means the Western garrison in Berlin. We not only admit, we insist, that these twelve thousand allied troops have no military value. They are outnumbered eight to one by East German troops alone, and about thirty to one when Red Army divisions are included. In a war, either nuclear or conventional, they would be wiped out in a matter of hours. Therefore the size of the allied garrision is of no military importance. We could negotiate a reduction in their numbers without running an additional military risk. We could not now accept the East German demand of complete withdrawal and replacement by so-called neutral troops, but we could make a gesture in that direction to prove our will to peace. Maybe in ten year's time, if we keep moving toward peace instead of away from it, the whole question of a garrison in Berlin will have become academic.

Third, we could, and many people even in West Germany believe we must, talk about these things with the authorities in actual control of East Germany. This does not have to mean formal de jure recognition — there are fifty-seven varieties of contact between states, and on this point the Communists have been able to appear more flexible and reasonable than the West has. The two Germanys are already in contact on a wide range of technical matters and maintain a massive mutual trade. There is no reason why these contacts should not be expanded into some kind of an interim peace between the two Germanys which would staunch the running sore in Berlin ...

And what about our promise to seek by all peaceful means the reunification of Germany? We don't forget the promise — a Germany united in peace is still our goal. But if unification in peace is at least one lifetime away, then not only the best but the only peaceful means of moving towards it is to accept the fact that two Germanys exist, and deal with both in a long-term effort to bring them together.

Criminals Write the Laws

Nazi Veterans Draft West German Criminal Code

The West German Parliament is at present debating the draft for a new criminal code. The draft was prepared by a special 24-man legal commission; 16 of the members of this commission were members of the Nazi Party, or served the nazi state in leading positions in the courts.

The official report of this commission stated that the new draft had adopted "many valuable ideas" from the criminal code of 1936, enacted by Hitler's government. A number of clauses of the new criminal code create new categories of crime, or increase existing penalties, particularly in the trade union field, and in fields affecting opponents of the present West German regime.

Paragraph 370, for instance, lays down sentences of up to five years imprisonment for persons who "interfere with public transport by means of strikes ... or other activities".

Paragraph 373a threatens punishment of up to hard labour for life for "activities endangering the state" on the part of members of parliament and civil servants. In recent years, West German courts have ruled that "activities endangering the state" include the establishment of normal contacts with official bodies and trade unions in the German Democratic Republic.

In addition to such clauses, the new criminal code proclaims that West German law is valid not only on the present territory of West Germany, but also in the German Democratic Republic and large parts of Poland. Paragraph 3 of the new code states explicitly: "German criminal law applies to offences committed in inland territory ... This includes the Soviet Occupation Zone of Germany (the GDR, ed.) and the other territory of the German Reich inside the frontiers of 1937 (large parts of Poland and the Kaliningrad District of the Soviet Union, ed.)".

Here are the records of some of the 16 former nazis and pro-nazis who helped write the new West German criminal code:

Dr Ernst Kanter: Formerly top political judge in West Germany, transferred to a less exposed position when the GDR disclosed the fact that Kanter had been top nazi judge in Occupied Denmark and responsible for the deaths of at least 500 Danish and German anti-fascists. He also served as Advocate General of Hitler's Wehrmacht. Nazi Party member No. 3,055,843.

Dr Wolfgang Fränkel: Appointed last year to the top legal post of West German Procurator General, but sacked several months later when the GDR exposed him as another old nazi jurist who was responsible for the deaths of numerous innocent people during the nazi period.

Heinz Fritz: Today chief prosecutor in Frankfurt (Main); state prosecutor in Poznan (Posen), Occupied Poland, from 1941 to 1945. Obtained death sentence against a 31-year-old German welder who stated in 1944 that Germany would not win the war and against a number of Polish women tried for "anti-German views".

Dr Joachim Wilkerling: Today senior civil servant in Lower Saxony Province, Ministerial Councillor in the nazi Ministry of Justice, and sent at least one group of resistance fighters to a certain death sentence at the "People's Court" in Berlin. Member No. 2,762,003 of the Nazi Party.

Professor Edmund Mezger: One of the most prominent nazi legal theoreticians; he wrote that "materially illegal acts are acts which are contrary to the German National Socialist way of thinking". In 1944 he requested and received permission from the Reich Security Main Office (Eichmann's organisation) to visit Dachau Concentration Camp and question or examine prisoners there for his studies in "criminal biology". The SS commander of the camp was ordered by the Berlin authorities to help him in every possible way.

Professor Eberhard Schmidt: A Senior Military Judge during the war, he wrote that "the military judges should speed up all trials as much as possible and not be timid or hesitant in using their freedom of judgement and nearly complete freedom from legal formalities to achieve the greatest results in terms of a hard-hitting implementation of criminal law."

Dr Hans Welzel: Nazi Party member No. 4,607,509 and another nazi legal theoretician. In 1959 he demanded prosecution of advocates of peace like Pastor Martin Niemoeller: "Problems like conscription and atomic armaments are too large and basic for the individual to decide for himself alone," he stated.

Dr Gustav Voll: A representative of the West German Judges Association on the commission. In 1942 he was certified as "ready at all times to work with all his strength for the National Socialist state." Earlier, his nazi superiors had reported that he was "extremely able in dealing with difficult political criminal cases."

Dr Bernhard Bader: Also a representative of the judges. Nazi Party member No. 4,136,934. He tried hard to join the SS, but was turned down because he wore spectacles.

Dr Paul-Heinz Baldus: Worked in 1938 in Hitler's Presidential Chancellory. Like two other judges on the West German commission, *Senate President Schäfer* and *Professor Niethammer*, he helped write Hitler's new criminal code in 1936, and was therefore considered especially useful for the West German criminal code commission.

Shakespeare Society Meets

The German Shakespeare Society, an association of Shakespeare experts from both parts of Germany, came to Weimar in the GDR for their regular annual meeting in April. The meeting was opened with greetings from Mayor Luitpold Steidle of Weimar and with a performance of "Troilus and Cressida", and featured a number of lectures on Shakespeare and his effect on Germany and German literature. Despite attempts by some West German officers of the society to discourage the joint meeting this year, over 70 West German scholars attended. The society was founded in 1864, on Shakespeare's 300th birthday.

* * *

Natalia Karp, Polish-born British pianist, played at concerts in Dresden, Jena, Karl-Marx-Stadt and other GDR cities during an April tourney. The pianist, who played at the age of 17 in Berlin years ago, was sent by the nazis to Auschwitz concentration camp. After her escape from death, she moved to Britain, but has paid several visits to the GDR in recent years.

Jewish Leader Urges Bonn: "Discharge All Nazis"

Berlin, April 18th (Associated Press) — The Chairman of West Berlin's Jewish Community tonight delivered a scathing attack on the West German Government for keeping ex-Nazis in office.

Heinz Galinski, speaking at the opening of an exhibition of documents on the Warsaw Ghetto uprising which began 20 years ago tomorrow, demanded that the ex-Nazis still in important public office be fired at once.

"On this day of painful memories, we are of the opinion that the staffing of positions in our democracy and public life with politically unblemished persons is an absolute must if one really wants a democracy", Mr Galinski declared.

Mr Galinski said that he could not accept arguments that ex-Nazis are needed in government because they are "experts".

"We cannot accept the comment from the Federal Interior Minister that the influence of right-wing radicals is 'negligible'," he said.

"The latest incidents no longer are single cases but are symptoms," he charged.

("New York Herald Tribune", Paris Edition, April 19th)

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Professor Bernhard Mark, director of the Jewish Museum in Warsaw, charged in a radio interview in mid-April that "except for some of the nazi criminals ... who were convicted in Warsaw, all the others responsible for annihilating a half-million Warsaw Jews are living in complete freedom today in West Germany and West Berlin."

The men listed by Professor Mark include the following:

Dr Ludwig Hahn, Chief of Security Police in Warsaw from 1942 to 1944, was one of the two men who organised the evacuation of Warsaw's Jews to the death camp in Treblinka. He helped plan the final liquidation of the ghetto in April 1943 and led some of the troops which marched in on April 19th, setting off the uprising in the ghetto.

Dr Hahn, an old Nazi Party member and leading SS and Gestapo officer, lived in freedom in West Germany until 1960, when public protest forced his arrest. He was freed in 1961: "no direct participation in the charges against him could be proved," it was stated. He heads a flourishing insurance company in Hamburg.

Heinz Auerswald, a nazi lawyer, was "Commissar for the Jewish Area". He was responsible for starving the inhabitants into apathy and death in the years before their final liquidation, for refusing to admit medicines into the ghetto, and for blackmailing inhabitants to pay him so as not be sent to Treblinka.

The chronicler of the ghetto, Emanuel Ringelblum, whose buried records were discovered in the ruins after the war, reporting on a death sentence for some ghetto inhabitants, wrote: "Auerswald was late for the execution. He said, 'What a pity, too late ...' Shortly after, red placards with his signature appeared in the ghetto streets announcing the execution of the death sentence."

Auerswald, who became wealthy with what he stole from the ghetto, is today a prosperous lawyer whose office is at No. 40 on Dusseldorf's exclusive Königsallee.

Lieutenant General Rossum, Commander of the Wehrmacht Garrison in Warsaw, took part in all meetings to plan the destruction of the ghetto. He supplied the artillery and military engineer units which blasted the ghetto. He is also living unpunished in West Germany.

Karl Brandt, head of the Jewish Department of the Gestapo in Warsaw, was responsible for spying on and destroying the resistance organisations of the Jews in the ghetto. He also organised many raids into the ghetto. On one, which he led personally on March 13th 1943, his men cordoned off a street in the ghetto and seized 200 people, including 14 children, from the street or the flats. All were shot on the spot. Brandt is also living at freedom in West Germany.

The same is true of his aide Obersturmfuehrer Wittosek, who also led raids into the ghetto and took part in the mass deportation during the summer of 1942. Wittosek is now in Hamburg. Other Gestapo men who took part in the mass deportations include Handtke and Georg Michelsen, both of whom are living in West Germany today.

GDR MARKS WARSAW GHETTO RESISTANCE

In the German Democratic Republic a series of public meetings and exhibitions marked the 20th anniversary of the heroic rising in the Warsaw Ghetto.

A delegation of German resistance fighters who now play prominent roles in the public life of the GDR journeyed to Warsaw for the commemoration ceremonies there. The delegation was headed by Karl Maron, GDR Minister of the Interior, and included Bruno Baum, member of the Central Committee of the Socialist Unity Party, one of the leaders of the underground resistance group in Auschwitz; Kurt Cohn, Senior Judge of the Supreme Court of the GDR; and Helmut Aris, President of the Jewish Communities in the GDR.

An official message from the GDR Government to the Warsaw commemoration ceremonies stated in part: "In these days, when we honour the memory of the heroic ghetto fighters, we must also draw lessons for today. In the GDR we have learned the lesson of the past; we have destroyed militarism and fascism, and have uprooted for all time chauvinism and anti-Semitism. But those who made the ideological preparations for the mass murder of millions of Poles and Jews, together with those who were directly responsible for the ghettos and the liquidation camps, are today back in control of the state machinery in Bonn, preparing new miseries for the German people and other peoples."

After the Warsaw celebrations, prominent representatives of Jewish organisations in many countries, including Britain, USA, Canada, France and Latin America, paid a short visit to the GDR.

Radio Programmes from Democratic Berlin

English-language programmes from Radio Berlin International, the Voice of the German Democratic Republic, can be heard on medium waves every evening at 9.15 (264 metres, 1133 kcs) and 11.00 (191.1 metres, 1570 kcs) British Summer Time.

Full details of short wave broadcasts in English and many other languages can be obtained from

Radio Berlin International
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This Year, Next Year, Sometime

By Our Bonn Correspondent

Two main questions have dominated all political discussions in Bonn for several years. When will Konrad Adenauer — now 87 — finally decide to step down from his 14-year-old throne as Chancellor? And who will succeed him when he does?

The questions seemed to be solved on April 22nd, when the parliamentary fraction of the Christian Democrats, after a bitter secret meeting, forced Adenauer to make a written declaration that he really would resign in autumn, and selected Vice-Chancellor Ludwig Erhard as his successor.

Although the question of the succession appeared to be settled, political observers in Bonn pointed out that Adenauer had repeatedly in the past gone back on pledges to resign, and that even if he did resign, his influence in the Christian Democratic fraction was still so strong that he might be able to prevent Erhard getting the parliamentary majority necessary before he could take office.

Erhard, bulky, cigar-chewing Economics Minister, has been waiting for years to take over from his ancient boss. Adenauer objects to him because he represents financial and industrial groups rival to Adenauer's circle of backers. It was rumoured in Bonn that Adenauer would only support his candidacy if Erhard gave a pledge to leave all major political decisions, especially in the key fields of military and foreign policy, to the "inner cabinet" of State Secretaries made up largely of ex-nazis and headed by State Secretary Hans Globke (for details of this "inner cabinet" see GERMAN REPORT of April 5th).

Although never a leading nazi, Professor Erhard does not have a very palatable past. After the nazi seizure of power in 1933, he was named editor of the magazine "Markt der Fertigware" to replace two professors who were purged because of "racially alien Jewishness". Erhard got the job because of his merits in "publicising National Socialist economics". In return, he pledged that his "positive views towards the new state and the new economy are more than simply lip-service".

In 1942, Erhard was named director of the Institute for Industrial Research and became economic adviser to the nazi Gauleiter of Nuremberg.

After the war he moved quickly up the ladder and played a large part in pushing through the currency reform of 1948 which split Germany. He has always been a friend to big business; in November 1961, for example, he told the guests at the 150th anniversary celebration of the Krupp firm that the Allied decision to break up the firm after the war was "a product of retaliation and revenge ... I express with pride my adherence to the name Krupp ... It is the duty of the Government to recognise the industrial leadership of the Krupp family."

He has been just as frank in opposing the workers and trade unions, and calling on them to be frugal. In December 1959 he said, "There is no danger from prices. The danger comes from the extravagance of ... our people. This applies especially to the trade unions and their exaggerated demands ... I shall oppose such tendencies vigorously." ("Die Welt", December 12th 1959)

Erhard has been just as outspoken as other members of the Bonn Government in calling for the return of former German territories. "Upper Silesia bears witness to German and not to Polish life. This cannot be altered, not even by the fact that it is administered by Poland at this moment" — this is a sample of the kind of statement made by Erhard to the clamorous meetings held every year by *Landsmannschaften*, the groups of Germans from various areas of Eastern Europe. ("Die Welt", August 29th 1960)

NUREMBERG VERDICT CHALLENGED

A court at Solingen in West Germany is scheduled during May to hear a case which, legal observers state, could upset the findings of the International Military Tribunal at Nuremberg in 1946.

Accused at the trial will be Lorenz Knorr, a leading member of the progressive German Peace Union, who stated in an election speech on June 22nd 1961 that top generals in the West German forces had waged criminal aggressive war, and were mass murderers who were unworthy to hold public office. Charges of "insulting leading officers of the Bundeswehr" were thereupon lodged by Franz-Josef Strauss, then West German Minister of Defence; General Ferdinand Foertsch, Inspector General of the Bundeswehr and convicted war criminal; General Adolf Heusinger, Chairman of the NATO Military Committee in Washington; General Hans Speidel, Commander of NATO Central European Ground Forces; Admiral Friedrich Ruge, then head of the West German Navy, and Air Force General Josef Kammhuber. All of these men, with the exception of Strauss, held high office under Hitler.

The generals base their charges on the claim that the Nuremberg Tribunal did not find the Wehrmacht High Command and General Staff guilty as an organisation of charges of waging aggressive war or of crimes against humanity. Reference to the records of the Nuremberg Trial, conducted by British, French, American and Soviet judges, shows that the Tribunal dismissed the charges against Hitler's top military leaders not because they were innocent, but because the High Command and General Staff could not be described as an organisation. The judgement stated:

"The Tribunal therefore does not declare the General Staff and High Command to be a criminal organisation. Although the Tribunal is of the opinion that the term 'group' must mean something more than this collection of military officers, it has heard much evidence as to the participation of these officers in planning and waging aggressive war and in committing war crimes and crimes against humanity.

"This evidence is, as to many of them, clear and convincing. They have been responsible in large measure for the misery and suffering that have fallen on millions of men, women and children ... When it suits their defence they say they had to obey; when confronted with Hitler's brutal crimes, which are shown to have been within their knowledge, they say they disobeyed. The truth is that they actively participated in these crimes, or sat silent and acquiescent, witnessing the commission of crimes on a scale larger and more shocking than the world has ever known."

CRIME & PUNISHMENT IN EAST BERLIN (III)

By Allen Mann

There have been many changes and proposed changes in the field of law recently in the German Democratic Republic. Court sentences have shown a marked tendency towards leniency in the case of most lesser crimes and misdemeanours, and this tendency has been encouraged vigorously by the government.

This is shown by the fact that today over 60% of all convictions are so-called "conditional" or suspended sentences; if the accused commits no further offences within a year or two after sentencing, he is not imprisoned and his conviction is dropped from the record. A variation of this kind of sentence is one which obliges the person in question to remain for some years at his job — he may only receive permission to quit it if he has an extremely urgent reason — such as bad health or the like. The aim here is to educate him, with the help of his workmates, to a normal and useful livelihood; this is especially adapted to the kind of minor criminals who would otherwise drift from one casual job to another and soon be in trouble again.

Another new kind of sentence which has been used is "public criticism". This was especially common in the case of self-service store thefts, which were rather frequent when the stores were first introduced. In such cases, the name and photo of the person caught stealing, together with details on his theft and his income, were hung up prominently at the store in question.

However, it became apparent that this method was often more harsh than even a large fine or a short term in prison, especially in smaller towns where the culprit was forced to keep shopping in the same store. "Public criticism" is now used much more cautiously and discriminately, therefore.

Sometimes, in a variation of this, the whole trial is used consciously as a means of public education or pressure, as in a recent case involving a landlord who was suing a tenant for part of the monthly rent payment. (Most homes are publicly owned in the GDR, but there are still a considerable number of small-scale private landlords who collect rents from their ten or twenty flats. The rents are still strictly held to the 1945 level, however.) The tenant had requested necessary repairs in his flat and, after waiting a long time in vain, had ordered them done on his own behalf and then deducted the costs from the rent. The landlord sued. After a careful investigation, the judges and prosecutors agreed that it would be good to hold the trial, less formally than usual, in or near the building where the flat was, with all the landlord's tenants personally invited to attend and tell of their own past experiences with him. The landlord, a petty tyrant and rent-gouger hated by all his tenants, decided to drop the suit.

Another case involved two married couples who were forced by the housing shortage to share a common bathroom and corridor. One of the husbands, returning from work one day, asked his wife to fill his bath and then went down to the cellar to chop kindling. Soon after, the second husband came home and, finding the ready tub, stepped gratefully into it. He was just stepping out again after a while when, as bad luck would have it, the first wife walked into the bathroom. The ensuing excitement soon attracted the second wife, who immediately considered this conclusive evidence of a relationship she had long suspected. The angry exchange of charges and epithets which followed brought on a double suit for libel and slander, with both wives insisting that if their husbands did not fight it out in court to the end, it was proof of their feelings of guilt.

When all arbitration proved of no avail, the trial was purposely held in the neighbourhood, after a small announcement in the newspaper had provided for a jammed courtroom. It proved unnecessary to finish the proceedings, for the laughter of the spectators soon convinced both couples how ridiculous their quarrel was, and they dropped the whole dispute.

This method, too, is only in an experimental stage. It must of course be used very judiciously if injustice in delicate cases is to be avoided.

Another method of dealing with minor offences has also reached new prominence lately: the dispute commission. Almost every factory or firm has such a dispute commission, consisting of about ten employees elected regularly by secret ballot. Until recently, such groups dealt largely with grievances and petty offences in the shop. Now they are expanding, and deal also with many other problems, ranging from habitual traffic violations or failure to pay rent or utilities bills to brawls and minor thefts, whether committed while at work or not.

The dispute commission, made up as it is of people untrained in legal questions (except for special legal briefings) cannot decide the question of guilt or innocence; cases are only referred to them when the question of guilt is quite clear and admitted by the "accused". They are then entrusted with the job of examining the motives for the offence, discussing them openly, and working out ways of educating the person involved — and the other employees as well in some cases — to a proper observance of law and order. They cannot send anyone to jail, of course, but

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they can levy fines, or decide on various other punishments. Anyone "sentenced" by a dispute commission has the right of appeal to a regular court if he considers himself unfairly treated. Over 40% of all cases formerly tried in courts are now referred to dispute commissions, and this figure is still rising. This new method frees the courts of a lot of minor cases, allowing them to devote full attention to more serious crimes. Plans are now underway for trying out similar commissions on a neighbourhood basis.

During visits I made to East Berlin's main courthouse, I spoke at some length with one of the young judges. He told me that all changes in court methods, punishments and other judicial matters were in an experimental phase. "We must get away from set formulas," he said, "and try really to understand the people who get mixed up with 'the law' and why they do so. That is very complicated; it is therefore much more difficult to be a judge or lawyer here than in West Germany or West Berlin, where the standards are much more cut and dried. Of course, mistakes are inevitable where experimentation is going on, but we are definitely moving forward, especially in the last year or so."

I also spoke with a defence lawyer, who had represented a railwayman in an appeals case I had visited (described in GERMAN REPORT of April 19th). I asked him why there were so few lawyers in lower court cases and whether it was true, as I had heard, that the profession of lawyer was becoming rarer in the GDR.

He confirmed this, and pointed out that there were less than 50 lawyers in East Berlin, which has a population of over a million. Not only that," he added, "we have quite enough lawyers to handle the work there is, and that is why we rarely vote in a new applicant for admission to the bar here."

I enquired why so few lawyers were needed.

"There are many reasons. For minor cases most defendants do not feel it necessary to have a lawyer, since court procedure is quite informal and understandable. They naturally prefer to avoid a lawyer's fee, unless the sentence is much more severe than they had expected, as in the case of the railwayman with the concealed revolver." (The fee he charged for this trial was 300 marks — about £27 — he told me.)

More and more cases are being sent to the factory dispute commissions, and this means that even less people consider a lawyer necessary. Then, too, a very large number of legal issues requiring lawyers in capitalist countries are almost non-existent here — such as fights between different firms and concerns. Here nearly all factories are publicly-owned and two-thirds of the retail shops are also nationalised or belong to cooperatives. Tax cases, inheritance cases and other property cases of all kinds have not yet completely disappeared here, but are getting rarer all the time.

And then, most important, the crime rate is decreasing every year, another main cause for the drop in lawyer's numbers.

This decreasing crime rate is one of the main factors inspiring the present discussions and experiments in the judicial field.

Another factor is that West Berlin can no longer exert its former influence with its horror films, cheap criminal fiction, strip-tease shows and gambling dens, and the mass petty smuggling between East and West Berlin has also been cut to a minimum.

Juvenile delinquency has not been eradicated, of course, even though West Berlin, always a source of it, has been cut off. The present judicial discussion is especially concerned with ways of treating young offenders which will cure them and not turn them into habitual offenders.

Of course, no society, capitalist or socialist, has found all the keys to human behavior and misbehavior. One must remember, too, that conditions are extremely complicated in the GDR; a very new kind of society is being constructed on a foundation of nazism, war destruction and the bitterness of defeat, with all the thousand new problems arising in a country divided into two opposite worlds, with "the other side" still maintaining a highly hostile and active West Berlin enclave in the middle of the GDR and blasting at it hourly with radio and television propaganda.

Conditions like this lead to tension, which often enough results in a severe interpretation of the law and a tendency to detect political hostility in many lesser offences and to judge them accordingly. This has been true at different periods in the GDR.

It is therefore refreshing to see that the current discussions and decisions are strongly opposing such tendencies, and are stressing instead the investigation into the why and wherefore of each offence and the best method to re-educate the individuals concerned. A very wide public discussion is now going on concerning these problems, and although it is too early to judge results, it is already clear that the GDR is doing very important and original work in the field of crime, punishment and rehabilitation, work which will undoubtedly be of great value to other socialist countries in the future.

Speidel Visits England

General Hans Speidel, Commander in Chief of NATO Land Forces in Central Europe, will pay an official visit to Britain on June 5th, NATO headquarters in Paris announced.

Speidel's last official visit to Britain in May 1959 was accompanied by demonstrations against the one-time leading Hitler general. During the war, Speidel helped implement the "scorched earth" policy to destroy huge areas of the Soviet Union. As Chief of General Staff to the nazi Military Commander in Occupied France, he was involved in the shooting of hostages, and in shipping large numbers of French Jews to the gas-chambers of Auschwitz.

GDR Diplomat Meets African Leaders

State Secretary Otto Winzer, First Deputy Foreign Minister of the GDR, met with government leaders of Ghana, Guinea and Mali during a trip to Africa in mid-April. Herr Winzer explained the GDR position on the German question and foreign policy issues and also discussed the possibilities of closer relations in the economic and other spheres. He stressed the GDR's determined opposition to all forms of colonialism and neo-colonialism.

The trip was preceeded by a conference in Accra (Ghana) of all GDR diplomats stationed in North and West Africa to discuss ways of increasing cooperation between the GDR and the newly-independent countries of Africa.

Coop Children in the GDR

The Children's Choir of the London Cooperative Society toured the GDR in late April. The tour opened with a joint concert in Berlin with the children's choir of the Deutschlandsender radio station. The concert, which was sold out long in advance, featured songs from many countries and periods, including compositions of the late Hanns Eisler, leading GDR composer. The chorus had equally successful concerts in Potsdam, Weimar, Karl-Marx-Stadt and other cities.

BERLIN NOTEBOOK

By John Peet

The situation in the upper ranks of the West German bureaucracy inevitably calls to mind Lewis Carroll. To freshen your memory, this is the verse I have in mind:

'If seven maids with seven mops
Swept it for half a year,
Do you suppose', the Walrus said,
'That they could get it clear?'
'I doubt it', said the Carpenter,
And shed a bitter tear.

Every now and then, some reader of GERMAN REPORT queries whether we do not make too much fuss about the old nazis back in power in West Germany. I admit that the listings which form part of the staple diet we provide for our readers may get a little wearing; but I am firmly convinced that they are necessary.

Unsavoury

As any regular reader knows, we have shown and continue to show in almost every issue, that the old nazis, many of them gentlemen with very unsavoury records indeed, have crept into every nook and cranny of the West German woodwork.

But I must admit that until last week I thought that the West German authorities had the tact, or the commonsense, or whatever you might call it, not to re-employ top nazis who had served long terms of imprisonment for war crimes in Western European countries. (War criminals sentenced by Eastern European courts fall into another category; premier example in this field is General Friedrich Foertsch, who was sentenced for war crimes by a Soviet Court, but now commands the West German armed forces).

But last week, in the course of investigations into the whereabouts of Erich Rajakowitch, one of Eichmann's assistants, journalists suddenly discovered that one of Bavaria's leading civil servants not only had a really fine nazi record, but had served 11 years for war crimes in a Dutch jail.

SS General

He was Dr Harster, who, during the war was a general of the SS, and commanded the nazi security forces in occupied Holland. One single document from the nazi files is sufficient to show the sort of things that he was responsible for. On May 5th 1943 he signed a letter to the various concentration camp commandants in Holland which stated:

"**Subject:** The final solution of the Jewish problem.

1. General principles: The Reichsfuehrer (Himmler) wishes that this year all the Jews that can possibly be handled shall be transported to the East ... For the month of May we should aim at the figure of 8000."

By May 1943, even the most myopic SS General must have known that the camouflage phrase "The final solution of the Jewish problem" meant the mass murder of the Jews. Over 100,000 Jews were in fact deported from Holland to the death factories under Harster's rule.

After the war Harster inexplicably got off with the light sentence of 11 years imprisonment when he was arraigned before a Dutch court. On his release in 1956 he returned to his home in Bavaria, where the Bavarian provincial government immediately gave him a job as Oberregierungsrat, or Senior Government Counsellor.

After details of his past were aired in the press in early April this year, the Bavarian authorities suddenly discovered that he was "unsuitable to serve as a government official". They had known about his past history all along; he only became "unsuitable" when the gory details became public knowledge.

But the one very striking example of Dr Harster shows clearly why GERMAN REPORT does all it can to bring to public attention the names and the crimes of these old nazis. Sometimes we shed a bitter tear, but we shall keep on mopping.

"Heart to Heart"

The television service of the German Democratic Republic in mid-April brought viewers in West Germany a successful British play which the powers-that-be in Bonn had banned.

The story behind this slightly odd story is as follows: about a year ago, Eurovision, the western European TV network, decided to commission authors of various nations to write TV plays which could be screened in the assorted member countries on the same evening in a dozen different languages.

The first of these international plays to be accepted was the very gripping work "Heart to Heart" by British author Terence Rattigan. It was duely shown throughout western Europe early in December last year.

Only three of the 15 or so Eurovision nations counted themselves out of the arrangement, and they were, significantly, fascist Portugal, fascist Spain, and West Germany. A German-language version of the play was available, and it was in fact screened successfully in Austria and Switzerland; but West Germany did not plug in.

The reason is not far to seek; the theme of the play was too near the knuckle for the West German authorities. Terence Rattigan told the story of a bluff cabinet minister who, in the course of a TV interview, is suddenly confronted with evidence that he had been involved in bribery and corruption in connection with a building contract. The parallel to the late Defence Minister Franz-Josef Strauss, who was involved last year in precisely such a scandal, was too close. So the West German TV network switched off.

The GDR TV service leapt into the breach, and screened the Terence Rattigan play a few days ago. Between a third and a half of all West German viewers can see GDR TV, and I understand that a record proportion of them tuned in to see the play, which was excellently performed by some of the best actors of the German Democratic Republic.

Monster

Our far-flung readers have, as usual, rallied round to help solve the problem of what our Indonesian correspondent could have meant when he asked us to send him some monsters (we mentioned the puzzle in Berlin Notebook on March 22nd). One reader based it on a Swedish word, but failed to explain why anyone in Indonesia should speak Swedish; another, brushing up his Latin, suggested that our man in Indonesia was a classical scholar using the Latin root "monstrare" — to illustrate. What was obviously the right answer came from a Dutch reader who cleared the whole thing up by telling us that in Dutch, which was the official language in Indonesia until its liberation after the war, "monster" simply means "sample". This file can now, I hope, be closed.

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